

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CHARMEL C. ALLEN,

Plaintiff,

v.

Case Number 11-CV-10942
Honorable Thomas L. Ludington

DR. SHAWNEY et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DENYING PLAINTIFF'S MOTION FOR PRELIMINARY
INJUNCTION AND PROTECTIVE ORDER

This matter is before the Court on the report and recommendation (ECF No. 78) issued by Magistrate Judge Michael Hluchaniuk on October 5, 2011, on Plaintiff's motion for a preliminary injunction and protective order (ECF No. 3). Judge Hluchaniuk recommends that the Court deny Plaintiff's motion, which seeks an order requiring Defendants provide her with appropriate medical treatment so that she can receive "aggressive medical attention and accurate medical evaluation." Judge Hluchaniuk reports that the record currently before the Court demonstrates that Plaintiff has received, and continues to receive, medical care and treatment from defendants. She appears to simply disagree with the course of her treatment. This disagreement does not state an Eighth Amendment claim.

On October 26, 2011, Plaintiff moved for an enlargement of time to file objections to Judge Hluchaniuk's report and recommendation. ECF No. 86. The following day, the Court entered a stipulated order extending the deadline for Plaintiff to respond to Judge Hluchaniuk's report and recommendation to November 7, 2011. ECF No. 89.

As of today's date, no party has filed any objections to Judge Hluchaniuk's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Hluchaniuk's report and recommendation (ECF No. 78) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for a preliminary injunction and protective order (ECF No. 3) is **DENIED**.

Dated: November 18, 2011

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 18, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS